

REMARKS

In response to an office communication dated April 19, 2005 in the above-identified application, which imposed a requirement for restriction on applicants, applicants provisionally select Group I, claims 4-26, and further provisionally elect subgroup (A), HET0016.

The originally filed claim 36 was erroneously numbered claim 34. This typographical error is corrected with the amendment provided above. As a result, claims 1-36 are pending. Restriction group I includes claims 4-26 and restriction group II is believed to include claims 27-36.

The restriction requirement is traversed in that Groups I and II relate to a single inventive concept of treating cerebral vascular diseases by reducing 20-HETE synthesizing enzyme activity. The Examiner asserts that Fig. 1 in Alonso-Galicia et al. 1997 teaches treatment with dibromododecenyl methylsulfimide and thus anticipates claims 1, 5, and 25, rendering Groups I and II lack special technical feature. Applicants note that Fig. 1 of Alonso-Galicia et al. 1997 relates to the effect of dibromododecenyl methylsulfimide on 20-HETE production in renal cortical microsomes. Therefore, the contribution that the inventors of the instant invention made to the art, i.e. treating cerebral vascular diseases by reducing 20-HETE synthesizing enzyme, is not taught by Alonso-Galicia et al. 1997. Accordingly, Groups I and II claims have unity under PCT Rule 13.1.

Furthermore, applicants note that restriction requirements are optional in all cases. MPEP § 803. If the search and examination of a set of claims can be made without serious burden, the Examiner must examine them on the merits, even though they may arguably be directed at distinct or independent inventions. MPEP § 803.


The applicants respectfully submit that Groups I and II claims are directed at highly related subject matter and thus can be examined together without serious burden. On the contrary, it will be unnecessarily burdensome on both the applicants and the patent office to consider the highly related subject matter in several separate patent applications.

For the above reasons, it is respectfully requested that the restriction requirement be reconsidered and withdrawn. Wherefore examination on the merits is respectfully requested.

A petition for one month extension of time accompanies this response so that the response will be deemed to have been timely filed. If any other extension of time is required in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fee to the Deposit Account No. 17-0055. No other fee is believed to be due in connection with this response. However, if any fee is due in

this or any subsequent response, please charge the fee to the same Deposit Account No. 17-0055.

Respectfully submitted,



Zhibin Ren
Reg. No. 47,897
Attorney for Applicants
QUARLES & BRADY LLP
411 East Wisconsin Avenue
Milwaukee, WI 53202-4497

TEL (414) 277-5633
FAX (414) 271-3552

QBMKE5751535.1